

Message

From: Hau, Teresa (AGO) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=THAU]
Sent: 6/24/2008 4:33:41 PM
To: Nassif, Julianne (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=JULIANNE.NASSIF]
Subject: Lab accreditation

Hi Julianne,

My name is Teresa Hau and I am legal intern at the AG's office, Criminal Bureau, Appeals Division. I have been working on a case that is set to go before the U.S. Supreme Court this Fall, and have been talking with one of your lab supervisors, Charles Salemi, regarding certain lab certificates issued by your lab. I also have some questions regarding the QA/QC program of the Drug Analysis Lab and Charles forwarded me your contact information.

Charles mentioned that laboratories analyzing controlled substances are currently not required to be accredited. Can you tell me the authority for that proposition? What governing body determines what labs have to be accredited and what are the standards?

As far as the lab's own QC program, what measures are implemented for that? Proficiency testing, continuing education, etc? Would it be possible to get a copy of the QC guidelines?

Thank you for your help.

Teresa Hau
Legal Intern
Appeals Division, Criminal Bureau
Office of the Attorney General of MA
One Ashburton Place, 19th Floor
Boston, MA 02108-1598
E-mail: teresa.hau@state.ma.us

From: Salemi, Charles (DPH) [mailto:Charles.Salemi@state.ma.us]
Sent: Tuesday, June 24, 2008 11:50 AM
To: Hau, Teresa (AGO)
Cc: Nassif, Julianne (DPH); Stevenson, Allan (DPH)
Subject: RE: Lab accreditation

Teresa, The DPH Drug Laboratory is not accredited by an outside organization. We follow the recommendations of SWGDRUG for our analytical methods, and our QA/QC procedures are addressed by the State Laboratory Institute's Quality Control Program. At this time, laboratories that analyze controlled substances are not required to be accredited. If you have any questions about accreditation of the Laboratory in the future, please contact Julianne Nassif, the Director of Analytical Chemistry here at the State Laboratory Institute. (617 983-6651). Take Care.

Charles Salemi
Laboratory Supervisor
Drug Analysis Laboratory
Department of Public Health
305 South Street
Jamaica Plain, MA 02130

From: Hau, Teresa (AGO) [mailto:Teresa.Hau@state.ma.us]

Sent: Tuesday, June 24, 2008 10:39 AM

To: Salemi, Charles (DPH)

Subject: Lab accreditation

Hi Charles. Good morning. We got the brief from the petitioner in which he claims that the lab is not accredited. We have no idea where he got that claim. I surfed the Dept of Public Health's webpage, trying to hunt something down, but found nothing. I did find that the Mass State Police lab is accredited by the American Society of Crime Laboratory Directors, but that the Dept of Public Health's lab is not. (<http://www.asclab.org/legacy/aslablegacylaboratories.html#MA>) Would you happen to know why? I also know there are a number of different laboratory accreditation bodies. Is the Public Health Dept's lab accredited by another program? Is there an internal Inspector General type review?

If you are not familiar with lab accreditation issues/procedures, would you mind directing me to someone in the administration that does? Thank you for your time and help. Very much appreciated.

Teresa Hau
Legal Intern
Appeals Division, Criminal Bureau
Office of the Attorney General of MA
One Ashburton Place, 19th Floor
Boston, MA 02108-1598
E-mail: teresa.hau@state.ma.us

From: Salemi, Charles (DPH) [mailto:Charles.Salemi@state.ma.us]

Sent: Friday, June 13, 2008 4:50 PM

To: Hau, Teresa (AGO)

Subject: RE: lab certificates!

Teresa, I looked up some of the data on those items in questioned. They were tested by a series of color tests, microcrystalline tests and GC/MS. I do not have the chemist's notes at this time, so I can not tell you if all were confirmed by GC/MS, or if a selected number from each were confirmed by GC/MS. I will be in the Lab until 6pm tonight, or you can call me Monday afternoon. Thanks

Charles Salemi
Laboratory Supervisor
Drug Analysis Laboratory
Massachusetts Department of Public Health
305 South Street
Jamaica Plain, MA 02130
617 983-6629

From: Hau, Teresa (AGO) [mailto:Teresa.Hau@state.ma.us]

Sent: Friday, June 13, 2008 3:20 PM

To: Salemi, Charles (DPH)

Subject: RFI: lab protocol

Hi Charles,

This is Teresa from the AG's office. We've been playing phone tag for the last hour so I thought I'd email you some background information which might help when we speak again on the phone. I am working with the Criminal Bureau, Appeals Division, and we currently have a case pending at the US Supreme Court. One of the central issues in the case is the admissibility of the Certificates of Analysis issued by your lab proving that the seized substance is cocaine (see below for specific certificate numbers). Nothing in the court records indicate what test(s) were performed to arrive at that conclusion. We need to know what test(s) were performed (GC/MS?) to qualitate the suspected substance, and would also like to ask you some general questions regarding lab protocol (as relates to cocaine testing/drug identification), and the test's use and acceptance in the forensic community and the error rate.

Certificate No. [REDACTED] (Date analyzed: 11/28/2001)

Certificate No. [REDACTED] (Date analyzed: 11/28/2001)

Certificate No. [REDACTED] (Date analyzed: 11/28/2001)

Thank you,

Teresa Hau
Legal Intern
Appeals Division, Criminal Bureau
Office of the Attorney General of MA
One Ashburton Place, 19th Floor
Boston, MA 02108-1598
E-mail: teresa.hau@state.ma.us